

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DUSTIN BROWN,

Plaintiff,

-v-

6:09-CV-303

THE COUNTY OF ONEIDA, NEW YORK;
JOHN FORD; JEFFREY R. JONES; and
ROBERT DRAKE;

Defendants.

DAVID N. HURD
United States District Judge

ORDER

Pursuant to the oral decision of the Court, entered into the record after hearing oral argument on June 11, 2010, in Utica, New York, it is hereby

ORDERED that

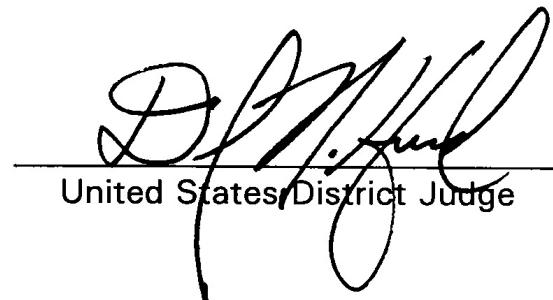
1. Defendants' motion for summary judgment is GRANTED in part and DENIED in part;
2. Causes of action brought pursuant to 42 U.S.C. §§ 1983 (to the extent an equal protection violation is alleged) 1985, and 1986, are DISMISSED;
3. Cause of action three alleging intentional infliction of emotional distress is DISMISSED;
4. Defendants' qualified immunity defense is DENIED without prejudice to renew at trial;

5. Remaining for trial are plaintiff's Fourth Amendment excessive force and failure to intervene claims brought pursuant to 42 U.S.C. § 1983; and state law claims for assault and battery (including the respondeat superior claim against Oneida County);

6. Pre-trial submissions shall be filed and served on or before 5:00 p.m. on August 10, 2010; and

7. The final pre-trial conference will be held at 9:30 a.m. on Tuesday, August 17, 2010, to be immediately followed by jury selection and trial.

IT IS SO ORDERED.



United States District Judge

Dated: June 11, 2010
Utica, New York.